

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

MAURICE ANTONIO COBB,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 5:13-CV-28 (MTT)
)	
WILLIAM N. HOWELL, <i>et al.</i> ,)	
)	
Respondents.)	
_____)	

ORDER

Before the Court is Magistrate Judge Stephen Hyles's Recommendation. (Doc. 12). The Magistrate Judge recommends granting Respondents' motion to dismiss Petitioner's application for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 for failure to exhaust his available state remedies. (Doc. 7). The Magistrate Judge also recommends the Court deny the Petitioner a certificate of appealability because he has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2). The Petitioner did not object to the Magistrate Judge's Recommendation.

The Court has reviewed the Petitioner's petition and the Recommendation, and the Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge. The Recommendation is adopted and made the order of this Court. Accordingly, the Respondents' motion to dismiss (Doc. 7) is **GRANTED**, and the Petitioner's § 2254 petition is **DISMISSED without prejudice**. Further, a certificate of appealability is **DENIED**.

SO ORDERED, this 1st day of November, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT